

1 **PLANNING COMMISSION MINUTES**

2
3 **February 5, 2003**

4
5 **CALL TO ORDER:** Chairman Bob Barnard called the meeting to
6 order at 7:00 p.m. in the Beaverton City Hall
7 Council Chambers at 4755 SW Griffith Drive.

8
9 **ROLL CALL:** Present were Chairman Bob Barnard, Planning
10 Commissioners Gary Bliss, Eric Johansen, Dan
11 Maks, Shannon Pogue, Vlad Voytilla, and Scott
12 Winter.

13
14 Senior Transportation Planner Margaret
15 Middleton, City Transportation Engineer Randy
16 Wooley, and Recording Secretary Sandra
17 Pearson represented staff.

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23
24 The meeting was called to order by Chairman Barnard, who presented the
25 format for the meeting.

26
27 **VISITORS:**

28
29 Chairman Barnard asked if there were any visitors in the audience
30 wishing to address the Commission on any non-agenda issue or item.
31 There were none.

32
33 **STAFF COMMUNICATION:**

34
35 Staff indicated that there were no communications at this time.

36
37 **OLD BUSINESS:**

38
39 Chairman Barnard opened the Public Hearing and read the format for
40 Public Hearings. There were no disqualifications of the Planning
41 Commission members. No one in the audience challenged the right of any
42 Commissioner to hear any of the agenda items, to participate in the
43 hearing or requested that the hearing be postponed to a later date. He
44 asked if there were any ex parte contact, conflict of interest or
45 disqualifications in any of the hearings on the agenda. There was no
46 response.

1 **PUBLIC HEARINGS:**

2

3 **A. CPA 2002-0014 – TRANSPORTATION SYSTEM PLAN UPDATE**

4 (Continued from January 15, 2003)

5 The proposed amendment will implement the Transportation System Plan
6 Update by amending Beaverton's Comprehensive Plan to adopt the
7 updated Transportation Element of the Comprehensive Plan and adopt
8 the Transportation System Plan Update (September 2001), as required by
9 the State Transportation Planning Rule and Metro planning
10 requirements. The proposal updates the city's policies and relates to
11 transportation throughout the entire city.

12

13 Senior Transportation Planner Margaret Middleton introduced herself
14 and City Transportation Engineer Randy Wooley and explained that she
15 would like to take this opportunity to review the changes within the
16 Supplemental Staff Report #2, dated January 29, 2003 for the February 5,
17 2003 meeting. She mentioned that the changes proposed to the current
18 draft within the original packet pertain to comments submitted by Metro
19 and the Oregon Department of Land Conservation and Development
20 (DLCD). Referring to page 2 of the Staff Report, she recommended
21 approval of a new action proposed under Goal 6.2.7 Policy c. She
22 mentioned comments from the last meeting that had been submitted by
23 Commissioner Maks, observing that these comments addressed transit-
24 related policies, adding that these comments and feedback from other
25 Planning Commissioners had been included within the Change Log
26 (Attachment 1). She pointed out that the word "reconstruction" has been
27 deleted from Policy 6.2.1.b, adding that Mr. Wooley would provide an
28 update with regard to Cedar Hills Crossing.

29

30 Transportation Engineer Randy Wooley discussed an issue with regard to
31 Cedar Hills Crossing, specifically the proposed connection between SW
32 Fairfield and SW Terman, observing that this has been discussed with the
33 applicant's attorney, Renee France. Noting that she had suggested
34 certain language, he explained that staff had discussed and suggested
35 their own language. He pointed out that although the applicant would
36 prefer to see this issue disappear from the map, both the applicant and
37 staff are satisfied with the language proposed within the Memorandum
38 from Margaret Middleton.

39

40 In response to Commissioner Maks' comment with regard to the error in
41 the Transportation Plan Update, specifically Figure 3-6, Ms. Middleton
42 pointed out that this correction is noted in the updated Change Log under
43 No. 22, adding that the intersection of SW Tualatin Valley Highway and
44 SW Murray Boulevard is at capacity at this time. She explained that this
45 particular Change Log would be a face page to the Transportation System
46 Plan Update, which will be incorporated into Comprehensive Plan Volume

1 IV, while the Attachment 1 Change Log discussed last time and tonight
2 will be reflected directly within the new ordinance.

3

4 Mr. Wooley noted that during the discussion with the applicant for Cedar
5 Hills Crossing, it had been suggested that the notes with regard to Figure
6 6.4 and Figure 6.5 be more closely reviewed, adding that some minor
7 changes are suggested.

8

9 With respect to the proposed Fairfield Extension, Commissioner Johansen
10 noted that this proposal involves potentially a future traffic study. He
11 mentioned that he has three specific comments, as follows:

12

- 13 • With regard to the bottom of page 1 of Supplemental Staff Report
14 #2, specifically the phrase “potential” need for east west
15 connectivity, he pointed out that Washington County had indicated
16 that the need for east west connectivity has been established. He
17 noted that because he is not aware of any indication that this need
18 has been disproved, he questions whether it is appropriate to
19 include the word “potential”.
- 20 • With regard to the Dawson Extension, which has been inserted as a
21 condition prior to any Traffic Study, he noted that this is located in
22 an area that is very distant from the area south of SW Hall
23 Boulevard, and questioned whether staff has determined that this
24 particular connection is directly related to the need to consider a
25 study of the proposed Fairfield Extension.

26

27 Mr. Wooley advised Commissioner Johansen that the TSP discussion had
28 considered specifically all those connections between SW Cedar Hills
29 Boulevard and SW Hocken Street, including Dawson and Hall, as well as
30 the new one at Fairfield.

31

32 Commissioner Johansen expressed his opinion that this is somewhat
33 remote from what should trigger a Traffic Study.

34

35 Mr. Wooley explained that all of the requirements for a Traffic Analysis
36 would still exist as part of any application that would generate a certain
37 amount of traffic, although it would be possible to avoid providing a mini
38 impact study. On question, he advised Commissioner Johansen that it
39 would still be necessary to meet the triggering mechanisms for a Traffic
40 Study, adding that this would not necessarily involve a great deal of
41 development.

42

43 Commissioner Mays pointed out that while a 45,000 square foot *Krispy*
44 *Kreme Doughnuts* on this site would trigger a Traffic Study, it would not
45 be necessary to study the street connection.

46

1 Mr. Wooley clarified that although the TSP indicates that there is a need,
2 it is out there toward the horizon year 2020.

3

4 Commissioner Maks agreed with Mr. Wooley, and questioned whether
5 staff could prevent him from constructing a 45,000 square foot *Krispy*
6 *Kreme Doughnuts* if the necessary connections are not made.

7

8 Mr. Wooley explained that it would be necessary to work the issue out so
9 that the building is located so as not to preclude that future street.

10

11 Commissioner Maks requested clarification with regard to what triggers
12 this particular process.

13

14 Mr. Wooley advised Commissioner Maks that a line on the map triggers
15 staff to review a particular situation.

16

17 Commissioner Johansen questioned whether establishing the study area
18 keeps the line on the map.

19

20 Mr. Wooley explained that this proposal does not technically create a
21 study area the way Washington County did, adding that while it leaves
22 the line on the map, the language in Table 6.3 defines it more as a long-
23 term need.

24

25 Commissioner Maks emphasized the necessity of making certain that the
26 issue is also clarified in the mind of those that come behind you.

27

28 Mr. Wooley informed Commissioner Maks that there is an alternative
29 version that had been discussed with Ms. France, because the applicant
30 was not comfortable with this language.

31

32 Ms. Middleton distributed copies of Alternative Language for
33 Transportation Element Table 6.3 Street Improvement Master Plan,
34 which was reviewed by members of the Planning Commission.

35

36 Commissioner Maks pointed out that he agrees with Mr. Wooley in that
37 the need for the Fairfield Extension is far in the future.

38

39 Commissioner Johansen questioned whether it would be possible to
40 propose a series of 5,000 square foot buildings within the midst of the
41 proposed route.

42

43 Commissioner Maks pointed out that these buildings could not block the
44 route, emphasizing that it is necessary to demonstrate that the connection
45 could still be established in some fashion, adding that not all possible
46 connections would be considered acceptable. He explained that the

1 applicant does not want to be required to complete a Traffic Analysis
2 every time they add 10,000 square foot to their project.

3
4 Commissioner Voytilla suggested that the public should be allowed to
5 provide testimony and information, adding that he is interested in hearing
6 what the representatives for Cedar Hills Crossing have to offer.

7
8 **PUBLIC TESTIMONY:**

9
10 **RENEE FRANCE**, on behalf of *C. E. John Company*, expressed
11 appreciation to staff for their efforts, emphasizing that her client's basic
12 assertion at this time is that this extension is not appropriate. She
13 explained that they would prefer to eliminate this issue to be addressed at
14 a future TSP hearing, adding that they are willing to cooperate with staff
15 in an effort to craft appropriate language and create a study area similar
16 to that of Washington County. She briefly recapped the situation,
17 reminding the Planning Commission that while traffic information
18 indicates that all intersections would function at capacity once they are
19 completed, this need has not been established at this time. She pointed
20 out that there is a very large development involving long-term leases
21 currently located within the right-of-way of this building, adding that this
22 would be very costly for the City of Beaverton to eliminate. She
23 emphasized that the reality of this extension occurring at any time in the
24 near future is very slim, adding that it is important to understand what
25 the study area accomplishes and that the timing element is important as
26 it relates to why the new improvements were put in place. She expressed
27 her opinion that the original language possessed the adequate timing and
28 spatial triggers, adding that it is important to consider that a study that
29 cannot be accomplished with the appropriate timing in mind is basically
30 useless. Referring to the new proposal, she emphasized that the
31 alignment is conceptual and burdens the property owner with the
32 inability to make commercial decisions that could impact his property and
33 the viability for an extension that may never be completed. Concluding,
34 she offered to respond to questions.

35
36 Chairman Barnard expressed his opinion that the greatest issue involves
37 the parenthesis part with regard to the 10,000 square foot building,
38 adding that he is certain that this issue is not unique with regard to this
39 specific property.

40
41 Observing that these alignments are conceptual in nature, Ms. France
42 pointed out that there is room to go around the outside of the proposed
43 theater although the conceptual alignment encroaches upon the wetland.
44 The wetland issue could be resolved at some point in the future. She
45 noted that expecting the property owner to provide for something that

1 would not occur until some future point of 30 to 50 years without any
2 compensation by the City of Beaverton is not realistic.

3

4 Commissioner Johansen expressed his opinion that it would be possible to
5 effectively preclude a future extension with something less than the
6 10,000 square foot buildings.

7

8 Ms. France pointed out that the 10,000 square foot building both allows
9 development to occur and requires the developer to work within the City's
10 needs to provide options for this extension.

11

12 Commissioner Maks emphasized that the need has not been established
13 for half of the connections within the Transportation System Plan, adding
14 that a plan is created and the streets are constructed as the need occurs.

15

16 Ms. France explained that the distinction here is that there are viable and
17 available extensions that can meet that need, without going through the
18 middle of a shopping center, adding that this also involves the timing
19 aspect of allowing the extensions that are currently viable to occur first.

20

21 Expressing his agreement with Ms. France, Commissioner Maks
22 explained that a possible road connection in the future also involves
23 compromise out of consideration for both the timing issue and the
24 longevity of the 50-year issue.

25

26 Commissioner Johansen requested clarification with regard to why the
27 applicant supports the Dawson Extension.

28

29 Ms. France advised Commissioner Johansen that the proposed Dawson
30 Extension involves another east/west connectivity issue, as proposed by
31 staff, adding that this all plays into the Transportation System and
32 connectivity of that area that does not go through an existing commercial
33 use.

34

35 Commissioner Maks pointed out that adding 5,000 or 8,000 square feet at
36 back of mall is contrary to the long-term intent of the City of Beaverton
37 and is not commercially feasible. He explained that it is necessary to
38 demonstrate the ability for an alignment at some future point.

39

40 Ms. France suggested the implementation of a development trigger,
41 rather than a timing trigger, observing that this is demonstrated within
42 the second set of language.

43

44 Commissioner Maks emphasized that the other connections must be
45 made.

46

1 Commissioner Johansen noted that this involves a study, rather than
2 construction.

3

4 Commissioner Maks expressed his opinion that the connection should not
5 be done until it is known whether the other connections work.

6

7 Commissioner Johansen noted that he is concerned with the current
8 ability to preclude that alignment in the future.

9

10 Ms. France stated that if the timing mechanism of when the Traffic Study
11 is triggered is removed from the first language, the applicant is not in
12 favor of this language. She noted that it removes the ability that is
13 included in the second language to show an additional potential route, as
14 opposed to a straight 200-foot line from intersection to intersection. She
15 pointed out that the ability to demonstrate a potential route meets the
16 needs of the City of Beaverton with regard to this issue. She clarified that
17 the applicant is not in favor of this language from the aspect that it is
18 essentially removing a developable strip of land without the benefit of
19 compensation.

20

21 Commissioner Maks requested clarification with regard to which timing
22 language Ms. Franz specifically prefers.

23

24 Ms. France advised Commissioner Maks that she approves of the sentence
25 after these extensions.

26

27 Commissioner Voytilla expressed his appreciation to both Ms. France and
28 *C. E. John Company* for their assistance on behalf of this proposal.

29

30 Referring to the language presented today, Commissioner Maks noted
31 that a timing trigger inserted after Cedar Hills Boulevard, after these
32 extensions, and then providing that no new building or building addition
33 should be allowed unless it can be demonstrated that a potential route for
34 a future street connection is preserved, or that an additional Traffic
35 Analysis is completed to show that this street connection is unnecessary.

36

37 Ms. France noted that she agrees with Commissioner Maks except that
38 while the timing issue is important from the aspect of allowing
39 development to occur prior to those extensions, adding this into the
40 existing language would still make it necessary to demonstrate a potential
41 route prior to those extensions and improvements occurring. She
42 mentioned that the applicant would like to reserve the ability that this
43 language does to provide for a Traffic Analysis prior to all of the
44 extensions.

45

1 Commissioner Voytilla stated that he is not comfortable with this body's
2 position with regard to crafting language, adding that it is difficult to
3 verbalize the intent to the applicant without providing a written
4 document for review.

5
6 Observing that only two sentences have been revised, Commissioner Maks
7 advised Commissioner Voytilla that he would write out these changes.

8
9 Commissioner Johansen indicated that he is still concerned with the
10 intent of the triggering mechanisms.

11
12 Chairman Barnard requested clarification with regard to the possibility of
13 this extension being needed prior to other extensions.

14
15 Mr. Wooley advised Chairman Barnard that he could imagine that other
16 development to the west as anticipated by the TSP model might not occur
17 while the Tek campus could develop much denser or faster than predicted,
18 adding that this could potentially shift the need, emphasizing that a
19 review had determined that the other connections should occur first.

20
21 Chairman Barnard noted that he has a problem with the 10,000 square
22 foot issue, adding that he would prefer some verbiage providing that any
23 additional development must show the potential for connectivity.

24
25 Mr. Wooley concurred with Chairman Barnard's comments, adding that
26 the concern staff is attempting to address is that the mall developers do
27 not wish to be forced into a massive Traffic Study in order to achieve
28 minor remodel type changes.

29
30 **STEVE NOBACH**, attorney representing the *C. E. John Company*,
31 expressed his opinion that it is necessary to be reasonable and realistic,
32 adding that no language is likely to be developed tonight to meet
33 everyone's needs. He noted that as far as the company is concerned, they
34 would attempt to continue to work together to meet the needs of both the
35 City of Beaverton and the *C. E. John Company*, as the owner of a
36 significant investment. Observing that his client hopes to compliment the
37 existing investment with a very significant additional investment
38 exceeding \$50 million to provide what he referred to as a state of the art
39 cinema for the benefit of the community. Expressing his opinion that the
40 issues involve more than lines on a map, he noted that he hopes that the
41 Planning Commissioners are able to appreciate that as the owner of a
42 regional shopping mall, his client is spending a great deal of money in an
43 attempt to revitalize this facility. Pointing out that they are attracting
44 some exciting new tenants, he mentioned that these tenants are much
45 more sophisticated than those of the past. He explained that these
46 tenants are diligent enough to consider both the zoning and what is

1 anticipated for the area in the future. He emphasized that these tenants
2 cannot be expected to deal with the uncertainty of a major road
3 anticipated through the middle of a major development, particularly when
4 this potential road is not actually going to occur.
5

6 Noting that the Planning Commission has the responsibility and
7 obligation of planning for the future, Mr. Nobach pointed out that simply
8 putting lines on a map would not fulfill this obligation. He expressed his
9 opinion that this could potentially preclude future tenants that could
10 actually benefit the City of Beaverton, adding that this could also possibly
11 impede financing options as well. He emphasized that this is not good
12 planning, and has the potential of impairing the ability of Cedar Hills
13 Crossing, formerly Beaverton Mall, to succeed on a long-term basis. He
14 explained that the remote nature of this connection ever occurring, it
15 should be classified as a study issue, rather than formally placed on the
16 Comprehensive Plan Map. He respectfully requested reconsideration with
17 regard to this issue, urging members of the Planning Commission to
18 consider whether it is appropriate to attempt to place this designation
19 that would go through the middle of two significant big boxes, *Winco Store*
20 and *Best Buy Store*, both of which are very successful stores connected
21 with entire chains. Emphasizing that the developer has no intention of
22 leaving or demolishing this investment, he pointed out that it is not
23 practical development. Noting that it is necessary to spend money in
24 every attempt to make improvements, he pointed out that the soft costs
25 are nearly exceeding the hard costs. He explained that his client is
26 attempting to provide a first class development, including a lineup of
27 exciting new tenants, adding that the entire concept of drawing the line
28 on the map should be reconsidered. Concluding, he urged members of the
29 Planning Commission not to make a decision at this time and offered to
30 respond to questions.
31

32 Chairman Barnard advised Mr. Nobach that all members of the Planning
33 Commission take their responsibility here very seriously, adding that they
34 had not been responsible for creating this line on the map.
35

36 Commissioner Winter reiterated Chairman Barnard's comments,
37 emphasizing that he is very serious with regard to his position on the
38 Planning Commission. He pointed out that while he is certain that both
39 *Montgomery Ward's Store* and *Home Base Store* did not think they were
40 going any place ten years ago, it is necessary to keep any future options
41 open.
42

43 Mr. Nobach explained that this proposal would effectively split a regional
44 asset – a regional mall in the Beaverton community - into thirds,
45 emphasizing that his client has voluntarily offered to provide the
46 extension of SW Hall Boulevard at their own expense, for the benefit of

1 the community, and pointed out that they are spending money in an
2 attempt to fight lines on a map.

3
4 Mr. Wooley commented that he is not certain that additional discussion
5 would be that beneficial, adding that although the position of those
6 individuals representing the mall are clear, it is time to make a decision.
7 He noted that these proposals do not serve to make any of the land
8 undevelopable, emphasizing that any development normally requires
9 parking, landscaping, and other elements beyond the building itself. He
10 explained that it is necessary to maintain an appropriate position to
11 maintain a future route, rather than actually acquire right-of-way and/or
12 streets.

13
14 8:16 p.m. – 8:30 p.m. -- recess

15
16 Commissioner Maks submitted copies of his handwritten
17 recommendations for revisions, as follows:

18
19 **Issue A:** *The need for east/west connectivity, capacity, and a street*
20 *connection between Fairfield and Terman in this vicinity has been*
21 *established, but a decision on how best meet this need has not yet*
22 *been made and further study is appropriate. A Fairfield Extension*
23 *to Terman may be considered after the completion of the Hall*
24 *Extension to Hocken, the Dawson Extension to Hocken, and the*
25 *capacity improvements on the south side of Jenkins Road between*
26 *Hocken and Cedar Hills. After these extensions and improvements*
27 *are complete, an application for construction of any new building or*
28 *building addition will trigger a Traffic Study of the area to*
29 *determine if there is a need for an extension from Fairfield to*
30 *Terman at this time; however, the Traffic Study will not be required*
31 *if the floor area of the proposed building is less than 10,000 square*
32 *feet.*

33
34 **Issue B:** *No new building or building addition should be allowed*
35 *unless it can be shown that a potential route for the future street*
36 *connection is preserved or additional traffic analysis is completed to*
37 *show that the street connection will not be needed.*

38
39 Commissioner Maks explained Issue A, observing that staff feels that Mr.
40 Nobach made a very good point with regard to minor revisions.

41
42 Commissioner Maks explained Issue B, observing that buildings or
43 building additions must show a potential route for the future street to be
44 preserved.

45

1 Expressing his appreciation of the efforts exhibited by Commissioner
2 Maks, Chairman Barnard noted that while part of the public's concern at
3 this time is that this creates an expensive requirement for minor changes,
4 it is important to realize that this study is required only within 200 feet of
5 the line.

6
7 Mr. Wooley addressed Commissioner Maks' Issue B, and suggested
8 revising the last sentence, as follows:

9
10 **Issue B:** *Any new building or building addition in excess of 10,000*
11 *square feet should be required to show that a potential route for the*
12 *future street connection is preserved or should provide additional*
13 *Traffic Analysis to show that the street connection will not be*
14 *needed.*

15
16 Commissioner Maks advised Mr. Wooley that the intent had been to
17 prevent a 5,000 square foot building from blocking potential routes, rather
18 than to impose this 10,000 square foot limit. He pointed out that there
19 should be some type of trigger with regard to square footage, emphasizing
20 that an 800 square foot expansion should not involve a lot of
21 requirements.

22
23 Chairman Barnard suggested that the original language proposed by staff
24 could include that a Traffic Study would only be triggered by the proposed
25 buildings within 200 feet of the intersection of Fairfield and Cedar Hills or
26 the intersection of Hocken and Terman, and must show the potential
27 connectivity.

28
29 Commissioner Maks advised Chairman Barnard that the developer did
30 not like the original language.

31
32 Chairman Barnard stated that the original language had been developed
33 through a compromise between staff and the public, adding that this
34 should resolve all of the concerns expressed by members of the Planning
35 Commission.

36
37 Commissioner Maks pointed out that he would like to delete the 10,000
38 square feet.

39
40 Commissioner Johansen explained that the Traffic Study itself is
41 generated by the development within 200 feet.

42
43 Chairman Barnard reiterated that he would be much more comfortable
44 with staff providing wording and direction with regard to this issue.
45

1 Commissioner Maks pointed out that he would like to address
2 Commissioner Johansen's issue with regard to 5,000 square foot
3 buildings.

4

5 Mr. Nobach stated that his client would be willing to accept the first
6 compromise version if certain language were eliminated, as follows:
7 ~~"however, the Traffic Study will not be required if the floor area of the~~
8 ~~proposed building is less than 10,000 square feet.~~ He suggested that the
9 last sentence should read, as follows: *"The traffic study will only be*
10 *triggered by a proposed new building or building addition located within*
11 *200 feet of a line..."* Observing that he is struggling with accepting a
12 requirement to provide a Traffic Study for a simple remodel, he pointed
13 out that it appears that some conclusion might be reached this evening.

14

15 Commissioner Maks explained that a 2,000 square foot drive-through
16 coffee stand would require a complete Traffic Analysis.

17

18 Emphasizing that this is why he had been reluctant to accept a decision
19 this evening, Mr. Nobach questioned how often the Planning Commission
20 meets.

21

22 Ms. France agreed that a great many unforeseen consequences with
23 regard to this issue should be considered, suggesting that with nothing on
24 the agenda for the following week, this would provide additional time for
25 both staff and her client to obtain better direction from the Planning
26 Commission that could potentially meet everyone's needs.

27

28 Expressing his appreciation of comments provided by Ms. France and Mr.
29 Nobach, Commissioner Voytilla stated that he would like to request a poll
30 of the Planning Commissioners with regard to a potential continuance.
31 Observing that this might not necessarily occur the following week, he
32 emphasized that it is very rare that this body has a free Wednesday
33 evening. Noting that he is not comfortable with making a decision at this
34 time because of certain issues presented by Mr. Nobach, he expressed his
35 opinion that a continuance would serve as an opportunity to refine the
36 words.

37

38 Chairman Barnard pointed out that staff has submitted a
39 recommendation for a decision, adding that he would like to take a poll
40 and receive direction with regard to whether or not members of the
41 Planning Commission would support a motion, as well as what their
42 particular concerns are at this time.

43

44 Commissioner Voytilla stated that he would not support a motion for
45 approval at this time, adding that staff needs to demonstrate how this
46 proposed connection has been established as suggested. Observing that

1 there are no current means to establish need, he pointed out that concern
2 has been expressed with regard to the potential interference with the use
3 of certain property, adding that a timing issue is also involved.
4

5 Commissioner Bliss explained that while he had been ready to accept the
6 first proposal, he had appreciated the concerns expressed by
7 Commissioner Johansen. Observing that there are not many regional
8 centers in the area, he pointed out that he agrees with the property
9 owner's statement that this proposal creates a big cloud over the
10 development of their property, adding that he is not willing to support a
11 motion for approval.
12

13 Commissioner Maks stated that he also prefers to take the time necessary
14 to craft an appropriate document, emphasizing that all of the lines on the
15 map that are not current streets do not show a need at this time.
16 Observing that these lines indicate potential future street connections, he
17 expressed his opinion that the study area is necessary, and pointed out
18 that in 1970, he had never anticipated that the City of Beaverton would
19 ever need the roads we have at this time.
20

21 Chairman Barnard explained that while a 5,000 or 9,000 square foot
22 building would not necessarily prevent connectivity, this connectivity
23 could be more costly, adding that he fully supports a compromise between
24 the property owner and staff. Expressing his support of additional time, if
25 needed, he emphasized that it is not the responsibility of the Planning
26 Commission to analyze for every possible contingency that might occur.
27

28 Emphasizing that he would like to encourage development and that he is
29 excited about what is occurring at the mall, Commissioner Pogue observed
30 that he looks forward to the opening of the theater. He pointed out that it
31 is important to keep that balance, adding that he was comfortable with
32 the terminology until Commissioner Johansen had expressed his concern
33 with regard to the staggered buildings. He expressed his opinion that it is
34 necessary to retain the ability to install a street should the need arise,
35 noting that this would accommodate the need for what could be a future
36 right-of-way.
37

38 Commissioner Johansen pointed out that everyone seems to agree that
39 while we want a vibrant and successful mall, it is always easier not to do
40 it when faced with a difficult transportation issue. He discussed the
41 necessity of achieving a balance and considering the future, adding that
42 he does not approve of the triggering mechanisms at all. Expressing his
43 opinion that these triggering mechanisms are very risky to implement, he
44 pointed out that a lot of problems are involved and he had not anticipated
45 language that is so fully conditioned. He expressed concern with

1 determining how to preserve the future option to make whatever
2 connection might be necessary.

3

4 Commissioner Winter expressed his opinion that a great deal of direction
5 has been provided for both staff and counsel, adding that this issue
6 involves a street that is very unlikely be built as long as this mall is
7 vibrant and that he is not quite certain why this is an issue at this time.

8

9 Commissioner Maks noted that he would like to at least reach consensus
10 among the Commissioners with regard to the timing issue, specifically the
11 triggering mechanism, adding that the Traffic Study should not have to be
12 done until the other street connections are made.

13

14 Commissioner Pogue stated that he concurs with the timing issue.

15

16 Commissioner Bliss expressed his agreement with the timing issue.

17

18 Commissioner Johansen reiterated that he does not agree with the
19 triggering mechanisms.

20

21 Commissioner Winter pointed out that he does not approve of the “all or
22 none” provision.

23

24 Commissioner Voytilla explained that he is not able to agree with the
25 triggering mechanisms, adding that he finds them bothersome.

26

27 Chairman Barnard expressed his opinion that while some form of
28 triggering mechanism is necessary, he is not certain that the current
29 proposal is appropriate.

30

31 Commissioner Bliss pointed out that staff has already indicated a need for
32 the Hall Extension, the Dawson Extension, and the Cedar Hills
33 improvement, noting that if at some point it is determined that any one of
34 these improvements is no longer needed, it would fall off the plate.

35

36 Mr. Nobach expressed his opinion that this is all premature, emphasizing
37 that there would be an opportunity at some point in the near future to
38 revisit this proposed extension in some way, adding that unless the City of
39 Beaverton receives a pot of gold, this is not going to occur. He pointed out
40 that while it is necessary to plan for the future, it is also necessary to be
41 realistic.

42

43 At the suggestion of Commissioner Maks, Chairman Barnard requested a
44 consensus with regard to whether this should involve either a planned
45 street connection and/or a study area, or whether it should not be there at
46 all.

1 Commissioner Maks stated that his preference is for a study area.

2

3 Commissioner Pogue noted that he would support a study area, adding
4 that he was not aware that the Commission had reached a consensus on
5 the prior issue.

6

7 Chairman Barnard advised Commissioner Pogue that a consensus had
8 been reached on the previous issue, specifically a study area. He noted
9 that it is necessary at this time to reach a consensus with regard to
10 approving, continuing, or denying.

11

12 Commissioner Maks pointed out that it is necessary at some point to
13 adopt a Transportation System Plan, emphasizing that it is the law,
14 adding that it cannot be denied and must be adopted, in some fashion. He
15 suggested that while staff should be granted some time to address the
16 issues, they should be provided with some direction, and questioned
17 whether consensus has been reached with regard to timing.

18

19 Chairman Barnard advised Commissioner Maks that this consensus has
20 been reached, adding that his position had been misunderstood and that
21 he was actually in favor of timing. He clarified that the consensus had
22 been 4:3, in favor of timing.

23

24 Commissioner Voytilla explained that triggers involve the occurrence of
25 specific events, emphasizing that this does not involve timing, which
26 indicates that an event occurs by a certain time.

27

28 Chairman Barnard pointed out that the next issue involves the 10,000
29 square feet limitation.

30

31 Commissioner Maks expressed his opinion that an applicant should not
32 have to provide a Traffic Analysis as long as they are able to demonstrate
33 a potential route or road connection, adding that any development would
34 have to go through the Development Code process that triggers a Traffic
35 Analysis.

36

37 Commissioner Pogue stated that he agrees with Commissioner Maks.

38

39 Commissioner Winter pointed out that he does not have a specific number
40 in mind because he is not supportive of the idea of this road connection.

41

42 Commissioner Bliss noted that while he has no specific number in mind,
43 this road is specific to this property, adding that both staff and the owner
44 of the property have reached an agreement with regard to the proposed
45 10,000 square feet.

46

1 Expressing his opinion that this situation has become more of an issue
2 than necessary, Commissioner Voytilla noted that it would not be that
3 difficult to demonstrate a potential route.

4
5 Chairman Barnard stated that he would support the route over the square
6 footage, adding that the measure of distance from the route is also
7 important.

8
9 Commissioner Maks agreed with Chairman Barnard, adding that an
10 applicant should not have to spend the money for a Traffic Analysis that
11 is not even close to the route.

12
13 Commissioner Pogue requested clarification specifically with regard to
14 200 feet from what.

15
16 Commissioner Maks advised Commissioner Pogue that this issue involves
17 200 feet from the last proposal, based upon the last shadow plat.

18
19 Commissioner Voytilla clarified that this reference is specifically within
20 200 feet of a line connecting the intersection of Fairfield and Cedar Hills
21 Boulevard and the intersection of Hocken and Terman.

22
23 Commissioner Pogue noted that he considers a potential route and a
24 straight line to be two separate issues.

25
26 Chairman Barnard informed Commissioner Pogue that staff would work
27 out this issue, adding that he is only attempting to build consensus at this
28 time for the benefit of staff.

29
30 Mr. Wooley clarified that the intention was to draw a straight line
31 between the two intersections and then establish a corridor 200 feet on
32 either side, recognizing that the road would not necessarily travel in a
33 straight line within that corridor.

34
35 Commissioner Voytilla and Chairman Barnard informed Mr. Wooley that
36 this does not clarify whether this involves 100 feet on each side or a total
37 of 400 feet.

38
39 Mr. Wooley expressed his opinion that this indicates a measurement of
40 200 feet on either side of the line, adding that staff is willing to provide
41 clarification.

42
43 Commissioner Bliss concurred with the proposed 200 feet.

44
45 Commissioner Johansen expressed his support of the 200 feet.

46

1 Commissioner Winter reiterated that he does not believe that the street
2 should be there.

3

4 Observing that Commissioner Voytilla had agreed with the 200 feet,
5 Chairman Barnard requested clarification with regard to what staff needs
6 from the Commission at this time. He pointed out that consensus had
7 been reached indicating a preference for retaining the route and
8 implementing triggering mechanisms, a distance measurement, and a
9 study area, adding that this is close to what was originally submitted this
10 evening.

11

12 Commissioner Maks noted that the triggering mechanisms are not
13 necessary, adding that an applicant only needs to demonstrate a potential
14 route connection to avoid submitting a Traffic Analysis.

15

16 Chairman Barnard expressed his opinion that the original request of staff
17 is exactly what the Planning Commission just asked for, adding that we
18 want triggers and distance, and the only missing element is the
19 connectivity route.

20

21 Commissioner Maks stated that this is not a true statement, emphasizing
22 that it is necessary to make certain that a route is always available and
23 that nothing could be built to eliminate this potential route.

24

25 Chairman Barnard clarified that the Commission is requesting that a
26 viable connectivity route be demonstrated with a clear and quantifiable
27 distance.

28

29 Ms. France questioned the difference between this recommendation and
30 Option No. 2 provided by staff.

31

32 Chairman Barnard advised Ms. France that staff had indicated that the
33 property owner was not comfortable with the language of Option No. 2.

34

35 Ms. France stated that while this is true, she had also explained that the
36 property owner could be comfortable with this language provided that
37 certain issues were resolved with staff.

38

39 Commissioner Maks explained that the City of Beaverton's point of view
40 is that a connection might become necessary in 50 years, adding that a
41 potential connection must be demonstrated within 200 feet of the line. He
42 emphasized that a Traffic Analysis is not necessary and this is not based
43 upon square footage, adding that it is only necessary to demonstrate this
44 potential connection.

45

46 Commissioner Johansen suggested the following:

1
2 *“The need for east west connectivity, capacity, and a street*
3 *connection between Fairfield and Terman in this vicinity has been*
4 *established, but a decision on how best to meet this need has not yet*
5 *been made and further study is appropriate. No new building or*
6 *building addition to be located within 200 feet on either side of a*
7 *line connecting the intersection of Fairfield and Cedar Hills*
8 *Boulevard with the intersection of Hocken and Terman should be*
9 *allowed unless it can be shown that a potential route for the future*
10 *street connection is preserved or additional Traffic Analysis is*
11 *completed to show that the street connection will not be needed.”*

12
13 Commissioner Maks congratulated Commissioner Johansen for preparing
14 appropriate language to address this issue.

15
16 Ms. France objected to the removal of the proposed 10,000 square foot
17 limit or any type of limit, adding that if an applicant would need to make
18 additions on the buildings that are within the right-of-way, it is
19 impossible to demonstrate the preservation of a potential connection. She
20 further clarified that some minor modifications to an existing building to
21 satisfy a tenant could make it impossible to demonstrate any type of
22 potential route through an existing building or addition.

23
24 Chairman Barnard suggested providing staff with new direction with
25 regard to the intent of the Planning Commission, adding that staff could
26 prepare appropriate language and return.

27
28 Emphasizing that staff is under considerable pressure to keep the TSP
29 adoption moving, Mr. Wooley pointed out that there are a lot of other
30 projects involved at this time that are not controversial. He urged the
31 Commission to adopt the proposal in order to facilitate these upcoming
32 projects, and questioned whether there is any possibility to take another
33 break to allow staff to prepare another draft in an attempt to resolve these
34 issues.

35
36 9:44 p.m. – 10:02 p.m. – recess.

37
38 Mr. Wooley distributed copies of staff’s revisions to the proposal.

39
40 Chairman Barnard requested clarification of the last sentence, specifically
41 the phrase indicating that *additional traffic analysis could be completed*
42 *demonstrating that the street connection will not be needed through 2020.*

43
44 Observing that this phrase had created a mini-debate among staff, Mr.
45 Wooley emphasized that the Comprehensive Plan is an attempt to plan

1 through the year 2020, adding that additional Traffic Analysis should be
2 oriented to this goal.

3

4 Chairman Barnard questioned whether this protects that from being
5 removed completely.

6

7 Mr. Wooley informed Chairman Barnard that the date 2020 indicates the
8 year we are projecting to for the purposes of the Traffic Analysis, adding
9 that this is the horizon year within the Transportation System Plan as
10 well. Observing that this is what the Comprehensive Plan is based upon,
11 he noted that it is necessary to differentiate from the fact that it is not
12 just the year for which the application is made. He explained several
13 revisions that had been made by staff, including the change from 10,000
14 square feet to 5,000 square feet, in order to address Mr. Nobach's concerns
15 with regard to potentially minor changes to a building that should not
16 necessarily trigger a Traffic Analysis.

17

18 Commissioner Maks expressed his opinion that 5,000 square feet is a
19 large amount.

20

21 Commissioner Voytilla stated that he has no problem with the 5,000
22 square feet proposed by staff.

23

24 Commissioner Pogue expressed his opinion that the last sentence of staff's
25 new proposal indicates that all of this goes away if it is proven that this
26 road is no longer needed.

27

28 Mr. Wooley advised Commissioner Pogue that he is correct and that this
29 is the intent, adding that when it is demonstrated that there are other
30 ways to address capacity issues, all other requirements disappear. He
31 explained that the Comprehensive Plan would be updated again in two or
32 three years, based upon the year 2025, including new maps.

33

34 Ms. France stated that while she is comfortable with this proposal to a
35 certain extent, she is troubled by the removal of the relation to the other
36 improvements, expressing her opinion that this established the
37 appropriate method to approach the traffic improvements and the order in
38 which they should be accomplished. She pointed out that in the absence
39 of Mr. Perniconi, she would like to take the opportunity to reserve any
40 potential objection to that particular language.

41

42 Mr. Wooley reassured Ms. France that part of this action is to adopt the
43 TSP document, adding that Appendix D discusses that particular
44 combination with regard to how the other routes should be completed
45 first.

46

1 Mr. Nobach proposed a revision to staff's latest proposal, as follows:

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*"...show that a potential route for the future street connection is preserved if the building **or building addition, as applicable,** is located within 200 feet either side of a line..."*

Mr. Wooley concurred with Mr. Nobach's proposed revision.

The public portion of the Public Hearing was closed.

Commissioner Voytilla expressed his support of the application.

Commissioner Winter concurred with Commissioner Voytilla's support of the application.

Commissioner Johansen stated that he supports the application.

Commissioner Bliss noted that he would support a motion for approval.

Commissioner Pogue stated that he is comfortable with the language and supports the application, adding that it is ironic that all of the work with regard to this issue has involved only one paragraph.

Commissioner Maks concurred with the comments of his fellow Commissioners.

Commissioner Voytilla referred to the draft minutes of the previous meeting of January 15, 2003, observing that these minutes have not yet been adopted and should not be included as a support document with regard to this issue.

Commissioner Maks **MOVED** and Commissioner Bliss **SECONDED** a motion to APPROVE CPA 2002-0014 – Transportation System Plan Update, based upon the testimony, reports and exhibits, and new evidence presented during the Public Hearing on the matter, and upon the background facts, findings and conclusions found within the Staff Report dated December 16, 2002, for the Public Hearing of January 15, 2003, the Supplemental Staff Report dated December 24, 2002, and the Supplemental Staff Report #2 dated January 29, 2003, including the recommendations on the Supplemental Staff Report on page 3, and the changes to the recommendation regarding the Cedar Hills Crossing Project, as presented by staff, and as modified by a participant, Mr. Nobach, adding the phrase "...or building addition, as applicable,"

Motion **CARRIED**, by the following vote:

